

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**LILA K. EAGLEWOLF,**  
**Plaintiff,**

**vs.**

**LELAND DUDEK,**  
**Acting Commissioner of Social**  
**Security,<sup>1</sup>**

**Defendant.**

**Civil No. 6:24-cv-316-SPS**

**AMENDED OPINION AND ORDER AWARDING ATTORNEY FEES**

Plaintiff, Lila K. Eaglewolf, was the prevailing party in this action under the Social Security Act. Plaintiff now files a Stipulated Motion for Award of Attorney Fees under the Equal Access to Justice Act [Docket No. 18], indicating that the parties have stipulated to attorney fees in the amount of \$6,804.00.

Upon review of the record herein, the Court finds that the requested amount is reasonable, and that the Commissioner should be ordered to pay it to Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits

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<sup>1</sup> On February 16, 2025, Leland Dudek became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Mr. Dudek is substituted for Michelle A. King as the Defendant in this action.

attorney's fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.'').

Accordingly, IT IS ORDERED that Plaintiff's Stipulated Motion for Award of Attorney Fees under the Equal Access to Justice Act [Docket No. 18] is hereby granted and that the Government is therefore ordered to pay \$6,804.00 to Plaintiff as the prevailing party herein.

IT IS FURTHER ORDERED that if Plaintiff's attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

**DATED** this 9th day of May, 2025.



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**STEVEN P. SHREDER**  
**UNITED STATES MAGISTRATE JUDGE**